

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOMAS ORTEGA and FRANCISCO ORTEGA,

Plaintiffs,

-v-

FROZEN DELI & GROCERY, INC., et al.,

Defendants.

CIVIL ACTION NO. 24 Civ. 1231 (JLR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Honorable Jennifer L. Rochon has referred this matter to me for a report and recommendation (ECF No. 34) regarding Plaintiffs’ Motion for Default Judgment and Damages (ECF No. 29 (the “Motion”)). Plaintiffs have filed a memorandum of law, declarations, billing records, and wage calculations regarding Defendants’ liability and their requested damages, accrued attorneys’ fees, and costs (ECF Nos. 31–33 (the “Damages Submissions”)). It is not clear from the record, however, whether Plaintiffs have served the Motion and Damages Submissions on Defendants. Consequently, by **Friday, August 30, 2024**, Plaintiffs shall serve a copy of this Order, the Motion, and the Damages Submissions on the Defendants and file proof of service on the docket.

Defendants shall submit their response to the Motion and Damages Submissions, if any, no later than **Friday, September 13, 2024**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFFS’ MOTION AND DAMAGES SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY **FRIDAY, SEPTEMBER 13, 2024**, AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING THE MOTION AND DAMAGES SUBMISSIONS BASED ON PLAINTIFFS’ WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-

COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.”) (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Dated: New York, New York
August 27, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	